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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLAKEBOARD AMERICA LIMITED,

CELULOSA ARAUCO Y CONSTITUCIÓN,
S.A.,

INVERSIONES ANGELINI Y COMPAÑÍA
LIMITADA,

and

SIERRAPINE,

Defendants.

Case No. 3:14-cv-4949

UNITED STATES' EXPLANATION OF
CONSENT-DECREE PROCEDURES

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case under the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1 1. Today, the United States has filed a Complaint, this Explanation of Consent-Decree
 2 Procedures, a Stipulation, and a proposed Final Judgment. The parties have agreed that the Court
 3 may enter the proposed Final Judgment after the United States has complied with the APPA. The
 4 United States also has filed a Competitive Impact Statement relating to the proposed Final
 5 Judgment.

6 2. The APPA requires that the United States publish the proposed Final Judgment and the
 7 Competitive Impact Statement in the *Federal Register* and cause to be published a summary of
 8 the terms of the proposed Final Judgment and the Competitive Impact Statement in certain
 9 newspapers at least 60 days before entry of the proposed Final Judgment. Defendants in this
 10 matter have agreed to arrange and bear the costs for the newspaper notices. The notices will
 11 inform members of the public that they may submit comments about portions of the proposed
 12 Final Judgment to the United States Department of Justice, Antitrust Division, 15 U.S.C.
 13 § 16(b)–(c). The civil-penalty component of the proposed Final Judgment, however, is not open
 14 to public comment. Courts have consistently entered consent judgments for civil penalties under
 15 Section 7A of the Clayton Act, 15 U.S.C. § 18a, without employing APPA procedures.¹

16 3. During the 60-day period, the United States will consider, and at the close of that period
 17 respond to, any comments that it has received, and it will publish the comments and the United
 18 States' responses in the *Federal Register*.

19 4. After the expiration of the 60-day period, the United States will file with the Court the
 20 comments and the United States' responses, and it may ask the Court to enter the proposed Final
 21 Judgment (unless the United States has decided to withdraw its consent to entry of the Final
 22 Judgment, as permitted by Section 2 of the Stipulation, *see* 15 U.S.C. § 16(d)).

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 26 1 *See, e.g., United States v. Berkshire Hathaway Inc.*, 2014-2 Trade Cas. (CCH) ¶78,870
 27 (*D.D.C.*); *United States v. Barry Diller*, 2013-1 Trade Cas. (CCH) ¶ 78,446 (*D.D.C.*); *United
 States v. MacAndrews & Forbes Holdings, Inc.*, 2013-1 Trade Cas. (CCH) ¶ 78,443 (*D.D.C.*).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)–(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Respectfully submitted,

/s/ Amy Fitzpatrick
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Dated: November 7, 2014

CERTIFICATE OF SERVICE

I certify that on November 7, 2014, I electronically filed this Complaint with the Clerk of Court using the CM/ECF system. A copy has also been sent via e-mail to:

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